

Message Text

UNCLASSIFIED

PAGE 01 STATE 132955
ORIGIN SCS-06

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FM SECSTATE WASHDC
TO AMEMBASSY KUWAIT

UNCLAS STATE 132955

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: JUDICIAL ASSISTANCE: DEPOSITIONS OF KUWAITI

NATIONALS BY CONSULAR OFFICER

REF: 7 FAM 840 ET SEQ

1. DEPT RECEIVED INQUIRY FROM SAN FRANCISCO LAW FIRM REPRESENTING PARENTS OF DECEASED KUWAITI IN WRONGFUL DEATH ACTION. PLAINTIFF PARENTS (KUWAITIS) MUST ESTABLISH BY THEIR TESTIMONY CERTAIN FACTS WITHIN A SHORT PERIOD OR CASE WILL BE DISMISSED. THE PARENTS DESIRE TO PROVIDE TESTIMONY BUT CANNOT OR WILL NOT LEAVE KUWAIT TO DO SO. ALTHOUGH LETTERS ROGATORY PROCEDURE IS ALTERNATIVE, TIME LIMITATIONS MAKE IT IMPRACTICABLE.

2. ONLY INFORMATION DEPT HAS AVAILABLE ABOUT TAKING DEPOSITIONS OF KUWAITI AND THIRD COUNTRY NATIONALS BY CONSULAR OFFICER IS THAT IT IS NOT PERMITTED. HOWEVER, SINCE THIS INFORMATION WAS COMPILED YEARS AGO AND DOES NOT PROVIDE A REFERENCE TO ANY LAW OR REGULATION, IT MAY BE UNCLASSIFIED

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INACCURATE.

3. PLEASE ADVISE WHETHER DEPOSITIONS OF KUWAITIS AT EMBASSY HAVE BEEN CONDUCTED BY CONOFF IN INSTITUTIONAL MEMORY. IF NOT, EMBASSY REQUESTED TO INFORMALLY INQUIRE WHETHER DEPOSITIONS CAN BE TAKEN OF WILLING KUWAITI AND THIRD COUNTRY NATIONALS AT EMBASSY. IF OBJECTIONS ARE RAISED,

EMBASSY IS REQUESTED TO PROVIDE THE KUWAITI AUTHORITIES WITH THE FACTS OF THE CASE DESCRIBED IN PARA 1 ABOVE AND ASK WHETHER IN THIS PARTICULAR INSTANCE THERE WOULD BE OBJECTIONS TO THE TAKING OF THE DEPOSITIONS OF THESE KUWAITI PLAINTIFFS. ALSO, WHAT, IF ANY, OFFICIAL IN KUWAIT IS THE EQUIVALENT OF A NOTARY PUBLIC IN KUWAIT? CAN SUCH AN INDIVIDUAL OR OFFICIAL DEPOSE WITNESSES? IN ADDITION, ARE COURT REPORTERS AT ALL AVAILABLE IN KUWAIT OR MUST THESE COME FROM EITHER THE UNITED STATES OR THE UNITED KINGDOM?? CHRISTOPHER

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